

## MINUTES

### ALCOHOL AND TOBACCO COMMISSION

FEBRUARY 18, 2003

#### **CALL TO ORDER/NOTING OF QUORUM**

Chairperson DePrez called the meeting to order and noted the quorum and the attendance. Present were Vice Chairperson Glass, Commissioner Davis and Commissioner Marks. Also in attendance were Industry Liaison Okey, Captain Poindexter and Executive Secretary Webb.

#### **COMMUNICATIONS FROM THE FLOOR**

No Communications From the Floor.

#### **DISPOSITION OF MINUTES**

Commissioner Marks moved to approve the minutes that were submitted for the February 4, 2003 meeting. Motion seconded by Vice Chairperson Glass and it was unanimously approved.

#### **HEARING JUDGE'S RECOMMENDATIONS**

Vice Chairperson Glass moved to approve the PAD forms that were submitted for the February 18, 2003 meeting, pending approval of Chairperson DePrez. Motion seconded by Commissioner Marks and it was unanimously approved.

RR49-12203 COMPU DESIGN, INC. – Hearing Judge Webb stated this was a recommended denial of a renewal by the Marion County Local Board and an upholding of that denial by the Commission. The permittee filed a timely notice of appeal and the matter was set for hearing. The Hearing Judge, Daniel M. Steiner, now submits his Proposed Findings of Fact and Conclusions of Law for recommendation to the Commission

Commissioner Marks moved to uphold the Hearing Judge's recommendation to reverse the denial and approve the renewal with conditions. Motion seconded by Vice Chairperson Glass and it was unanimously approved.

DL45-10770 NICK AND HELEN KIKALOS – Hearing Judge Webb stated this was a recommended denial of a transfer of location by the Lake County Local Board and an upholding of that denial by the Commission. The permittee filed a timely notice of appeal and the matter was set for hearing. The Hearing Judge, Daniel M. Steiner, now submits his Proposed Findings of Fact and Conclusions of Law for recommendation to the Commission.

Vice Chairperson Glass moved to uphold the Hearing Judge's recommendation to deny the transfer of location. Motion seconded by Commissioner Davis and it was unanimously approved.

DL46-19843 GAS CITY, LTD. – Hearing Judge Webb stated this was a recommended denial of a new application by the LaPorte County Local Board and an upholding of that recommendation by the Commission. The applicant filed a timely notice of appeal and the matter was set for hearing. The Hearing Judge, Daniel M. Steiner, now submits his Proposed Findings of Fact and Conclusions of Law for recommendation to the Commission.

Commissioner Davis moved to uphold the Hearing Judge's recommendation to reverse the local board and approve the new permit. Motion seconded by Vice Chairperson Glass and it was unanimously approved.

### **CONSIDERATION OF APPLICATIONS**

I incorporate by reference these lists of permits for renewal, which have been recommended by local boards and reviewed by said staff with the authority of the Commission, and hereby move for approval of same and the inclusion of these lists as part of the minutes by exhibit. Motion seconded by Commissioner Marks and it was unanimously approved.

I incorporate by reference these lists of permit applications for a new permit or application for changes in location or ownership or both of existing permits, which have been recommended by local boards and reviewed by at least two Commissioners and hereby move for approval of same and inclusion of these lists as part of the minutes by exhibit. Motion seconded by Vice Chairperson Glass and it was unanimously approved.

I incorporate by reference these lists of permits to be placed in escrow for not more than one year, which have been reviewed and recommended by a Commissioner as appropriate for first or second year escrow and hereby move for approval of same and the inclusion of these lists as part of the minutes by exhibit. Motion seconded by Commissioner Davis and it was unanimously approved.

Four hundred sixty (460) renewals approved, thirty-four (34) new and/or transfer permits approved, seventeen (17) permits conditionally approved, eight (8) permits approved for first year escrow, and six (6) permits approved for second year escrow.

### **RENEWAL LETTERS AND WAIVER OF FEES**

Commissioner Marks moved to approve the renewal letters and the waiver of fees for letters of extension for the preceding weeks. Motion seconded by Commissioner Davis and it was unanimously approved.

## **APPLICATIONS FOR DISCUSSION**

RR58-04551 PM LOUNGE, INC. – Vice Chairperson Glass noted this is a type 210 renewal application with the local board voting three (3) to one (1) to disapprove.

Vice Chairperson Glass moved to uphold the local board's recommendation to deny the renewal. Motion seconded by Commissioner Davis and it was unanimously approved.

RR49-18204 LOS PELICANOS CANTINA, INC. – Vice Chairperson Glass noted this is a type 209 renewal application with the local board voting three (3) to zero (0) to approve.

Vice Chairperson Glass moved to uphold the local board's recommendation to approve the renewal. Motion seconded by Commissioner Marks and it was unanimously approved.

RR03-93042 ARNI'S, INC. – Vice Chairperson Glass noted this is a type 112 transfer of stock application with the local board voting four (4) to zero (0) to disapprove.

Vice Chairperson Glass moved to uphold the local board's recommendation to deny the transfer of stock. Motion seconded by Commissioner Davis and it was unanimously approved.

RR49-19481 MARK GORE – Vice Chairperson Glass noted this permit was purchased at auction and has not been put into use. The permittee is requesting permission to sell this permit. He submitted a letter to the Commission that stated what has been done to put this permit into use.

Vice Chairperson Glass moved to allow this permit to be sold due to the fact that there has been no speculation. Motion seconded by Commissioner Marks and it was unanimously approved.

## **INACTIVE FILES**

Commissioner Marks moved to make twenty-eight (28) permits inactive. Sixteen permits (16) were subject to auction and twelve (12) were not subject to auction. Motion seconded by Vice Chairperson Glass and it was unanimously approved.

## **APPEALS FROM LOCAL BOARD RECOMMENDATIONS**

No appeals filed.

## **OLD BUSINESS**

No Old Business.

## **NEW BUSINESS**

TRIP 2002 UPDATE – Indiana State Excise Captain Poindexter gave an update on TRIP (Tobacco Retailer Inspection Program) for the 2002 year. He stated the noncompliance rate is 19.4%.

AN EVENING IN THE GARDEN – The Noble Auxiliary would like to serve donated alcoholic beverages at *An Evening In The Garden*.

DINING A LA HEART 2003 – Dining a La Heart 2003 would like to serve donated alcoholic beverages at their fundraiser.

ACTIVE 20/30 CLUB OF FORT WAYNE – Active 20/30 Club would like to hold a wine tasting fundraiser.

CATHEDRAL HIGH SHOOOL SHAMROCATIONS – Cathedral High School would like to serve donate alcoholic beverages at their Shamrocatons fundraiser.

SCOTTISH RITE CENTER WINE TASTING – Scottish Rite Center would like to hold a wine tasting.

ART ASSOCIATION OF RANDOLPH COUNTY, INC. – Art Association of Randolph County would like to serve donated alcoholic beverages at their *Heard It Thru The Grapevine* fundraiser.

JUNIOR LEAGUE OF SOUTH BEND CHARITY FUNDRAISER – Junior League of South Bend would like to hold a beer and wine tasting.

INDIANAPOLIS SYMPHONY ORCHESTRA – Indianapolis Symphony Orchestra would like to serve donated alcoholic beverages at their fundraiser.

ST. THOMAS MORE SCHOOL – St. Thomas More School would like to serve donated alcoholic beverages at their *Mardi Gras*.

Commissioner Davis moved to approve these requests. Motion seconded by Vice Chairperson Glass and it was unanimously approved.

## **POLICY DETERMINATIONS**

No Policy Determinations.

## **UNDER ADVISEMENT**

Nothing Under Advisement.

## **ANNOUNCEMENTS**

No announcements.

## **ADJOURNMENT**

Vice Chairperson Glass moved to adjourn the meeting. Motion seconded by Commissioner Marks and it was unanimously approved.

Approved this \_\_\_\_\_ day of \_\_\_\_\_, 2003.

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MARY DEPREZ, CHAIRPERSON

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BARBARA L. GLASS, VICE CHAIRPERSON

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JAMES DAVIS, COMMISSIONER

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GIGI M. MARKS, COMMISSIONER